

USPTO  
Office of PCT Legal Administration  
To the attention of Mr. E.M. Pender,  
Attorney advisor PCT Legal Administration  
Facsimile: (703) 308-6459

Den Bosch, June 19, 2003

Concerning application No. : 09/308,150

Dear Mr. Pender,

On Monday June the 16th I received by certified mail from the applicant/assignee of the above mentioned application ('stichting voor de technische wetenschappen STW'; the Netherlands technology foundation), a form "declaration for utility or design patent application" accompanied by a short letter (attached to this message) that urged me to sign and fax the form to the office of the patent attorney of STW (Los & Stigter, Amsterdam) before June the 18th 2003.

I immediately sent a fax message to both the head of the legal department of STW (Ms. M. Konings) and to Los & Stigter for information and/or any documents that would clarify what I was supposed to sign and for what purpose. I also stated that I was willing to sign if this information was supplied to me. As a reaction to this I received a telephone call by Ms. M. Konings on Tuesday the 17th. In this call I repeated my request for information on what I was supposed to sign and the purpose of the form. I also repeated my willingness to sign. The only oral information I received from Ms. Konings was the statement that if I would not sign, the patent application would become invalid on June the 18th.

On the same day, June the 17th late in the afternoon, I received a fax message. The only relevant document I received was a letter from your office to Peacock Myers and Adams PC dated April the 18th 2003. I deduced that this letter was a reaction of a letter I sent to your office November 3, 2002 and that the applicants alleged that I refused to sign a document in 1999. I asked for clarification on this matter to Ms. M. Konings in a fax message the same day and repeated my willingness to sign if the purpose of the form could be explained. I did not get any information in a return fax message other than that if I did not sign the form the application would become invalid, and that this would be my responsibility.

In reaction to the above I would like to state to your office:

- In 1999 and thereafter I never received any request to sign any document regarding the US application nor was any document ever sent to me regarding the US application by the applicants/assignees.
- My address was always known by the applicants (I moved from Nijmegen to Den Bosch August 2002).
- I never refused to sign any document regarding the US application orally nor by letter to the applicants/assignees.

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**19 JUN 2003**

**Legal Staff**  
**International Division**

It is my honest opinion that the only purpose of the mail I received on June the 16th from the applicant STW, was to obtain a certified mail label in order to "repair" the damage to the application done in 1999. In my opinion the applicants and/or their legal representatives willfully misinformed the patent examiner of the USPTO in 1999. I can only conclude that any damage done to the application is the responsibility of the applicants.

I am not a lawyer, I do not sign any document or form I don't understand especially not if I am put under time pressure. This time pressure put upon me by Ms. M. Konings was not necessary, she could have forwarded the form to me much earlier. I did all that was humanly possible to get any information from the applicant STW. I received none. Under this circumstances I was unable to sign the form.

I regret any damage done to the patent application, especially because third parties are involved, but I want to repeat that I do not feel any responsibility.

Sincerely yours,



Gerard A. Schellekens  
Tondeldoos 36  
5231 WB Den Bosch  
The Netherlands  
e-mail: [gaschellekens@home.nl](mailto:gaschellekens@home.nl)  
facsimile: +31 (0)73 5216488

attached: accompanied letter with form from STW legal department, dated June 12th 2003,  
received June 16th 2003.



**Technologiestichting STW**  
Technology Foundation

**Postbus 3021**  
**3502 GA Utrecht**  
**The Netherlands**  
bezoekadres  
**Van Vollenhovenlaan 661**  
**3527 JP Utrecht**

telefoon  
**+31 (0)30 6001 21**  
telefax  
**+31 (0)30 6014 408**  
internet  
**www.stw.nl**

ABN-AMRO bank  
**55 57 54 855**

Het STW-geld is afkomstig van de  
ministeries van OCenW (begroting  
NWO) en EZ.



betreft  
Amerikaanse octrooiaanvraag nr. 09/308.150  
"Citrilline: antigeen"

Dr.ir. G.A. Schellekens  
De Tondeldoos 36  
5231 WB 's Hertogenbosch

datum	ons kenmerk	doorkiesnummer	e-mail
12 juni 2003	NCH.3159	(030) 600 12 87	miranda@stw.nl

Geachte heer Schellekens,

Hierbij ontvangt u met betrekking tot bovengenoemde octrooiaanvraag een "Declaration for utility or design patent application". Wij vragen u bijgevoegd formulier te ondertekenen en vóór **18 juni 2003** te retourneren aan octroobureau Los & Stigter. Graag ontvangt de heer Altenburg van Los & Stigter het formulier per fax (fax: 020 6260007) en het origineel per post.

Hoogachtend,  
Technologiestichting STW

M. Siatta  
legal assistant

Bijlage: - formulier